REMARKS

At the outset, the Applicant thanks the Examiner for the thorough review and consideration of the pending application. The Office Action dated September 20, 2006 has been received and its contents carefully reviewed.

Claims 4, 5, 6, and 8 are hereby amended Accordingly, claims 1-9 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office Action rejected claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. More specifically, the Office Action questions "how or when the referenced laundry amount are detected and how these amounts are related to each other." The Applicant respectfully traverses this rejection.

The Applicant submits that the claims, as currently pending, adequately point out and distinctly claim the subject matter that is regarded as the invention. If the scope of the subject matter embraced by the claims is clear than the claims comply with 35 U.S.C. § 112, second paragraph. In the present case, the claims are clear.

With regard to the assertion that it is unclear how the referenced laundry amounts are detected, how the laundry amount is detected is irrelevant with regard to the clarity of the claims. While the limitation of "detected first laundry amount" may be a broad recitation, the breadth of a claim is not to be equated with indefiniteness. See the M.P.E.P. 2173.04. Thus, requiring the Applicant to add a limitation incorporating how the first laundry amount is detected would unnecessarily limit the scope of the claims.

With regard to the assertion that it is unclear when the referenced laundry amounts are detected, the claims clearly set forth that the detection of a first laundry amount is performed before determining a first water level, the detection of a second laundry amount is performed before determining a first wash pattern and the detection of a third laundry amount is performed before adjusting the first water level and the first wash pattern to a second water level and a second wash pattern. Thus, all essential steps required to practice the invention are present in the

claims. Requiring the Applicant to add any further limitations would unnecessarily limit the scope of the claims.

With regard to the assertion that it is unclear how the detected amounts are related to each other, how, and even if, the laundry amounts are related to each other is irrelevant with regard to the clarity of the claims. Rather, the claims are only required to interrelate the detected amounts in the method as a whole. Claim 1 clearly interrelates all the detected amounts within the washing machine control method. Specifically, the first and second detected laundry amounts are compared to determine a first differential and the first water level and first wash pattern are adjusted to a second water level and a second wash pattern based upon the detected third laundry amount. Requiring the Applicant to add any further limitations would unnecessarily limit the scope of the claims.

The requirement for definiteness with regard to 35 U.S.C. § 112, second paragraph, is whether the claims meet the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. See the M.P.E.P. 2173.02. One of ordinary skill in the art could clearly interpret the metes and bounds of the currently pending claims 1-5. Thus, the Applicant submits this rejection is improper and should be withdrawn. Further, if the 35 U.S.C. § 112, second paragraph was employed to merely improve the clarity or precision of the claim language, Applicant requests the Examiner provide suggestions to improve the language.

For at least the aforementioned reasons, the Applicant respectfully submits that claim 1 is allowable, and requests that the rejection be withdrawn. Likewise, claims 2-5, which depend from claim 1 are also allowable for at least the same reasons.

Moreover, the Office Action rejected claims 4 and 5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention, as discussed in the Office Action. The Applicants have amended claims 4 and 5, and request that the Examiner withdraw the rejection. It is noted that the amendments have been made merely to clarify claim language in response to the 35 U.S.C. § 112, second paragraph rejection and is not in response to any prior art rejection.

The Office Action rejected claims 6-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. More specifically the Office Action questions "what is referenced as first, second and third time periods and how these periods are related to the recited processing steps. The Applicant has amended claims 6 and 8 to further clarify the processing steps. Applicants believe claims 6-9 now more clearly set forth the processing steps. Thus, Applicant requests that the Examiner withdraw the 35 U.S.C. § 112, second paragraph rejection. It is noted that the amendments to claims 6 and 8 have been made merely to clarify claim language in response to the 35 U.S.C. § 112, second paragraph rejection. However, the amendments do not change the scope of the claim and a new search or new consideration should not be required in view of the amendments. Thus, for purposes of appeal, the amendments should be entered. In addition, the amendments have not been made in response to any prior art rejection.

Moreover, the Office Action rejected claims 1-5 under 35 U.S.C. § 112, first paragraph, as being based on a disclosure which is not enabling. More specifically, the Office Action alleges that "the claims recite the steps of determining based upon detected laundry amounts, but lack the steps of detecting." The Applicant respectfully traverses this rejection.

First, as shown above, the claims do in fact include the step of detecting laundry amounts. While the claims may not include a separate and distinct step of determining the laundry amount, it is unnecessary to include such a step in the claims because it is clear to one of ordinary skill in the art that the step of detecting the first laundry amount occurs prior to determining a first water level, the step of detecting the second laundry amount occurs prior to determining a first wash pattern, and the step of detecting the third laundry amount occurs prior to adjusting the first water level and the first wash pattern to a second water level and a second wash pattern.

Second, the specification clearly enables the steps of sensing and detecting laundry amounts. See, for example, the specification on page 6, paragraph [0018] lines 2 and 6.

For at least the aforementioned reasons, the Applicant respectfully submits that claim 1 is allowable, and requests that the rejection be withdrawn. Likewise, claims 2-5, which depend from claim 1 are also allowable for at least the same reasons.

The Office Action rejected claims 1-9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,768,728 to *Harwood et al.* (hereinafter "*Harwood*"). The Applicant respectfully traverses this rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, "the reference must teach every element of the claim." The Applicant respectfully submits that *Harwood* does not teach every element recited in claims 1-9 and therefore cannot anticipate these claims. More specifically, claim 1 recites a washing machine control method which includes "determining a first water level based upon a detected first laundry amount," "comparing the detected first and second laundry amounts to determine a first differential," and "adjusting the first water level and the first wash pattern to a second water level and a second wash pattern based upon a detected third laundry amount, if the first differential is greater than a first predetermined value." Claim 6 recites a method for controlling a washing machine which includes "detecting a first amount of laundry in the washing machine," "calculating a first differential based upon the first detected amount of laundry and the second detected amount of laundry," and "detecting a third amount of laundry, if the first differential is greater than a predetermined value and adjusting the water level based upon the detected third amount of laundry." *Harwood* fails to disclose these features.

The Office Action alleges that *Harwood* discloses "a method as claimed." The entire document, especially columns 4-9 is relied upon to teach these limitations, see page 3 of the Office Action. The Applicants respectfully disagree.

Harwood fails to teach or even suggest detecting any amount of laundry. At most, *Harwood* discloses detecting a water level. See column 5, lines 16-19. The fact that *Harwood* teaches detecting a water level is irrelevant. Detecting a water level is <u>not</u> the same as detecting an amount of laundry. Thus, *Harwood* does not disclose "determining a first water level based upon a detected first laundry amount," as required by the claims. Since *Harwood* does not teach or suggest detecting any amount of laundry, *Harwood* cannot possibly teach "comparing the

detected first and second laundry amounts to determine a first differential." Even if anything disclosed by *Harwood* could be grossly misconstrued as detecting a laundry amount, *Harwood* fails to determine a first wash pattern based on a detected second laundry amount and comparing the first and second detected laundry amount to determine a first differential, as required by the claims. Again, since *Harwood* does not teach or suggest detecting any amount of laundry, *Harwood* cannot possibly teach "adjusting the first water level and the first wash pattern to a second water level and a second wash pattern based upon a detected third laundry amount, if the first differential is greater than a first predetermined value."

In the remarks, the Office Action alleges that "the claims do not exclude the recited laundry amounts be the amounts for a particular load. Neither claims nor the specification required the amounts be different for the loads." While the amount of laundry may or may not be different, a detection of the amount of laundry must be made. As stated above, *Harwood* fails to teach or suggest detecting an amount of laundry. *Harwood* further fails to teach comparing a first and second detected amount of laundry to determine a first differential, as required by the claims.

The Office Action further alleges that *Harwood* teaches measuring laundry amounts for the load and adjusting the water level to a sufficient level based on the measurements. See page 4 of the Office Action. Whether or not this is true, this is <u>not</u> what the claims recite.

The application in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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Attachments